



ORIGINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application Serial No. 09/267,025 for Reissue of
U.S. Patent No. 5,609,938
Reissue Application Serial No. 09/267,025
Filed: March 11, 1999
Patentee: Shields, Rodney
Title: Image Display Apparatus with Holes
For Opposite Side Viewing

**PETITION FOR THE INSTITUTION OF PUBLIC USE PROCEEDINGS
UNDER 37 CFR 1.292**

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Attn: Robert Spar, Esq.
Office of Petitions
Box DAC

Sir:

Petition is hereby respectfully made under 37 CFR 1.292 for institution of Public Use Proceedings regarding the above cited application Serial No. 09/267,025, filed March 11, 1999, for reissue of US Patent No. 5,609,938 (Shields) (hereinafter referred to as the '938 patent). The urgent and compelling basis for such proceedings is set forth below.

Grant of this Petition is both necessary and appropriate. Petitioner, and indeed the Patent Office, are entitled to the full and fair opportunity afforded by Public Use Proceedings for a clear demonstration that the claimed invention was in use and the subject of a commercial offer for sale, more than one year before the original application, which issued into the '938 patent, was filed. Therefore, reissue is barred by 35 U.S.C. 102(b) and the public policy which undergirds it.